

**Notice of Allowability**

Application No.

10/695,345

Examiner

Frantz F. Jules

Applicant(s)

MARCOTTE ET AL

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/27/2005.
2. ☒ The allowed claim(s) is/are 1-11 and 24-29.
3. ☒ The drawings filed on 10/28/2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### REASON FOR ALLOWANCE

1. Jackson et al, Wiston et al, Jacob, and White Jr disclose various types of rail car mover apparatus comprising ground tires spaced to roll along a pair of railroad rails, a drive to rotate the ground tire, a pair of front wheel arms pivotally attached to the front wheel bracket about a substantially horizontal front pivot axis and extending forward from the front wheel bracket, and a pair of front rail wheels spaced to engage the pair of railroad rails wherein a front rail wheel is rotatably attached to a front end of each front wheel arm; a front actuator operative to move the front wheel arms up and down about the front pivot axis; a pair of rear wheel arm with actuators operative to move the rear wheel arms up and down about the rear pivot axis, a coupler at the end of the vehicle, wherein the in operation, the ground tire bear against the railroad rails to propel the loader vehicle along the railroad rail. However, none of the references of record suggests a railcar mover a rail car mover apparatus comprising a front wheel bracket adapted for attachment to a front end of the vehicle loader, a pair of front wheel pivotally attached to the front wheel bracket, a tool attachment mechanism at a lower front portion of the loader arm, wherein the loader vehicle can be converted to ground operation for maneuvering and manipulating a tool by removing the front wheel arms, front rail wheels, and coupler adapter and attaching the tool to the tool attachment mechanism in the manner defined in the instant claims 1, 24, and 26. Even though it is known to have a tool attachment mechanism at the front of a vehicle for ground operation, it is not know to remove accessories such as front wheel arms, front rail wheels, and coupler adapter for attaching a tool to a tool attachment mechanism in

Art Unit: 3617

order to use the vehicle for ground operation. Therefore, claims 2-11, 25, 27-29, depending therefrom, are considered to be allowable.

***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

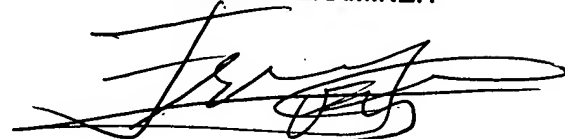
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

August 17, 2005

**FRANTZ F. JULES  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', is written over the printed name and title.

Art Unit: 3617